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pharmaceuticals, Inc.

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**OFFICIAL**

TO: Office of Petitions  
United States Patent and Trademark Office

FROM: Paul Burgess  
781/674-7816

RE: U.S. Patent Application Number 10/766,631

OUR REF.: TPIP018X2

PAGES: 3 (including cover)

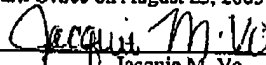
\*\*\*\*\*

MESSAGE: Please see the attached Petition to Grant Filing Date for the above-referenced application. Please call me at 781/674-7816 if you have any questions.

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile to (703) 872-9306 at the United States Patent and Trademark Office on August 23, 2003.

Signed:

  
Jacquie M. Vo

29 Hartwell Avenue, Lexington, MA 02421 (ph) 781-674-8000 (fax) 781-863-7208  
www.transformpharma.com

Docket/Matter No. TPIP018X2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	
	)	
Applicant : Zhong Zhang et al.	)	
	)	Grp./A.U. : Unassigned
Appl. No. : 10/766,631	)	
	)	Examiner : Unassigned
Filed : January 28, 2004	)	
	)	
Title : AQUEOUS PHARMACEUTICAL	)	
COMPOSITIONS OF 2,6-	)	
DIISOPROPYLPHENOL	)	
(PROPOFOL) AND THEIR USES	)	

Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313  
Box: Missing Parts

## PETITION TO GRANT FILING DATE

Sir:

In response to the Notice of Incomplete Nonprovisional Application dated June 21, 2004, Applicants respectfully petitions that the filing date of January 28, 2004 be accorded to the above-referenced application as the drawings were filed with the original application. Enclosed please find a copy of the following:

1. A copy of the five (5) sheets of drawings that were submitted with the application on January 28, 2004;
2. Copy of the Transmittal letter listing the five (5) sheets of drawings; and
3. Certificate of mailing listing the five (5) sheets of drawings and the return postcard listing the five (5) sheets of drawings stamped as received by the PTO with a serial number and filing date.

Applicant respectfully requests that the filing date of January 28, 2004 be accorded to the above-referenced application as it has been shown the drawings were filed with the original application.

The Commissioner is hereby authorized to charge the required fee of \$130.00 to  
Deposit Account No. 50-2626 (Order No. TPIP018X2).

Respectfully submitted,

Date: August 23, 2004

By: Paul Burgess

Paul Burgess

Reg. No. 53,852

*Certificate of Facsimile*

Transform Pharmaceuticals, Inc.  
29 Hartwell Avenue  
Lexington, MA 02421  
Telephone: (781) 674-7852  
Facsimile: (781) 863-8914

Date of Deposit: 8/23/04

I hereby certify that this correspondence is being deposited with the United States  
Postal Service via facsimile to (703) 872-9306, on the Date of Deposit shown above.

Jacqueline M. Vo  
Jacqueline M. Vo

Express Mail No. 90297552000 US  
 Date Mailed: January 28, 2004  
 Application No. \_\_\_\_\_ Filed: Herzberg  
 Inventor: Thong Zhang  
 For: Quercus Pharmaceutical Compositions & Methods

<input type="checkbox"/> Affidavit/Declaration	<input type="checkbox"/> Fee Address Indication Form
<input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Fee Calculation
<input checked="" type="checkbox"/> Application <u>43</u> Pages	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> <u>9</u> Claims <u>5</u> Drawings	<input type="checkbox"/> Letter
<input type="checkbox"/> Appeal, Notice of	<input type="checkbox"/> Oral Hearing Req./Confirmation
<input type="checkbox"/> Assignment	<input type="checkbox"/> Petition to Extend Time
<input type="checkbox"/> Brief	<input type="checkbox"/> Petition Under 37 C.F.R.
<input checked="" type="checkbox"/> Declaration & Power of Attorney	<input type="checkbox"/> Power of Attorney
<input type="checkbox"/> Design Application	<input type="checkbox"/> Associate w/Revocation
<input type="checkbox"/> Disclaimer	<input type="checkbox"/> Sequence Listing
<input type="checkbox"/> Disclosure Statement	<input type="checkbox"/> w/ Computer Readable Copies <input type="checkbox"/> w/ Paper Copies
<input type="checkbox"/> w/refs. <input type="checkbox"/> w/o refs.	<input type="checkbox"/> Small Entity Statement
<input checked="" type="checkbox"/> Formal Drawings	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Sheets <input type="checkbox"/> Figures	<input checked="" type="checkbox"/> Transmittal Letter
<input type="checkbox"/> Response to Office Action	<input type="checkbox"/> Correction of Filing Receipt
<input type="checkbox"/> Response to Missing Parts	<input type="checkbox"/> Response to Election Requirement

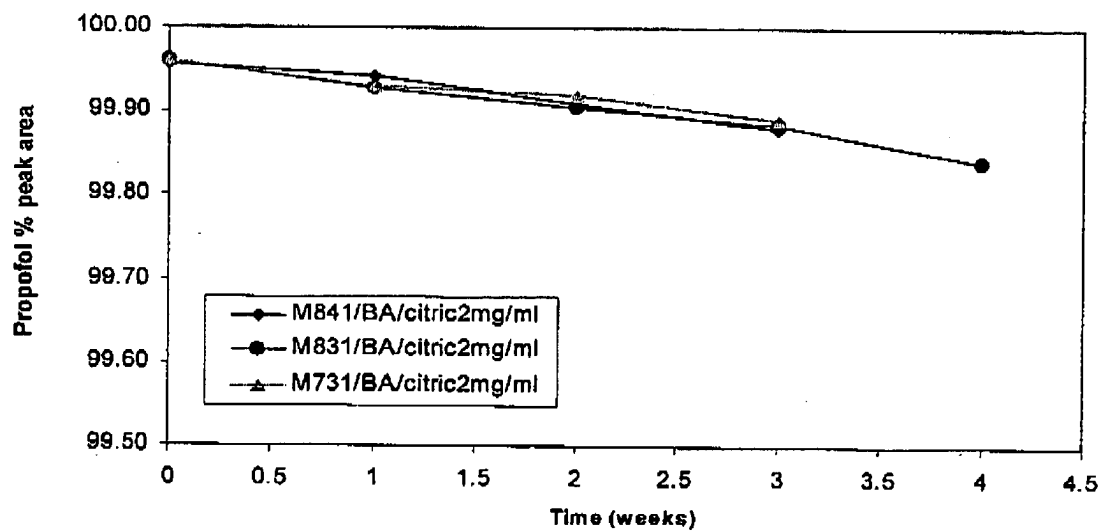
Other: TP01822

22264 - U.S. PTO

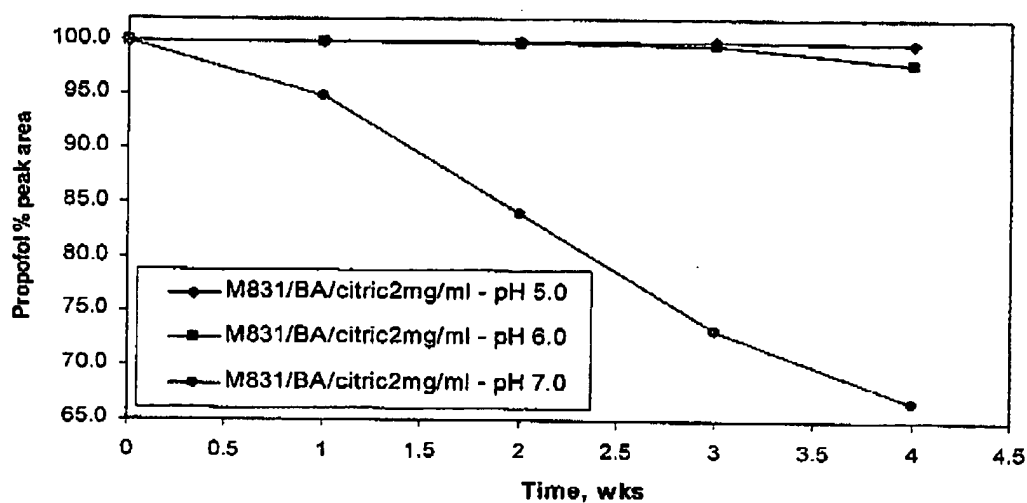
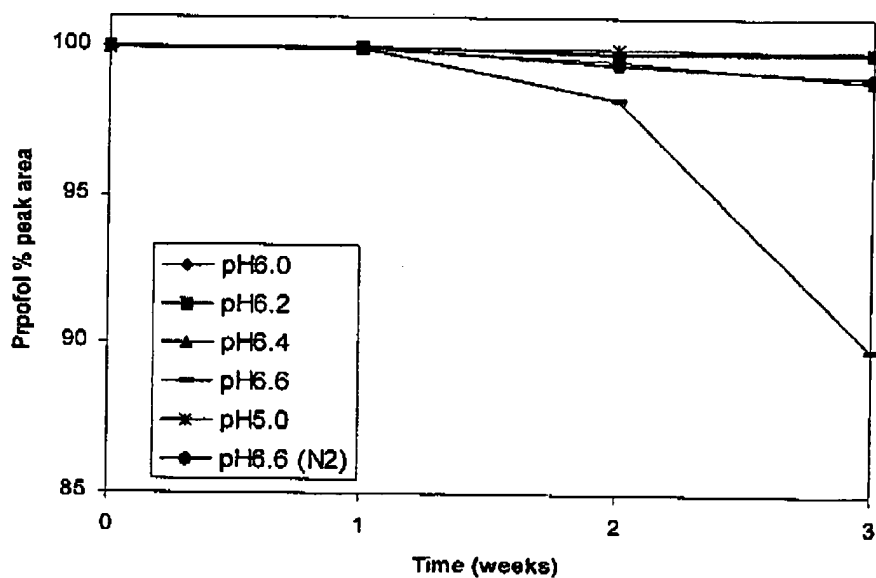
10/766631

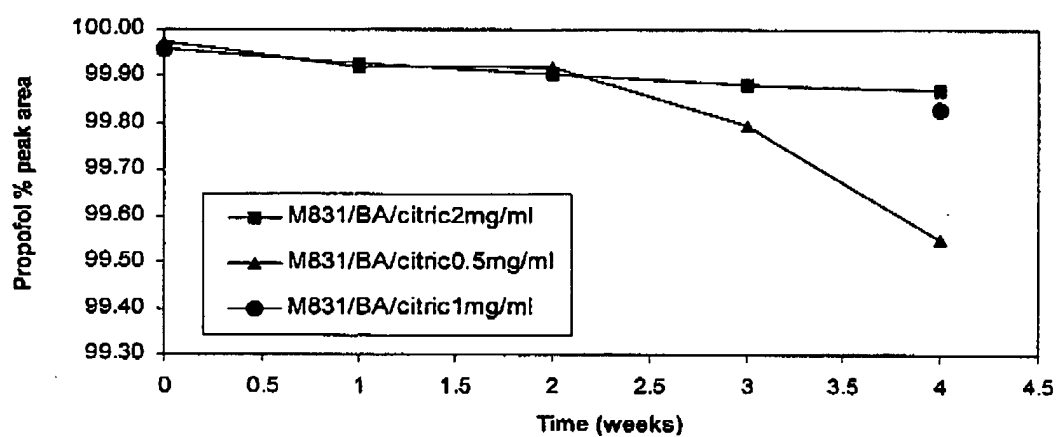


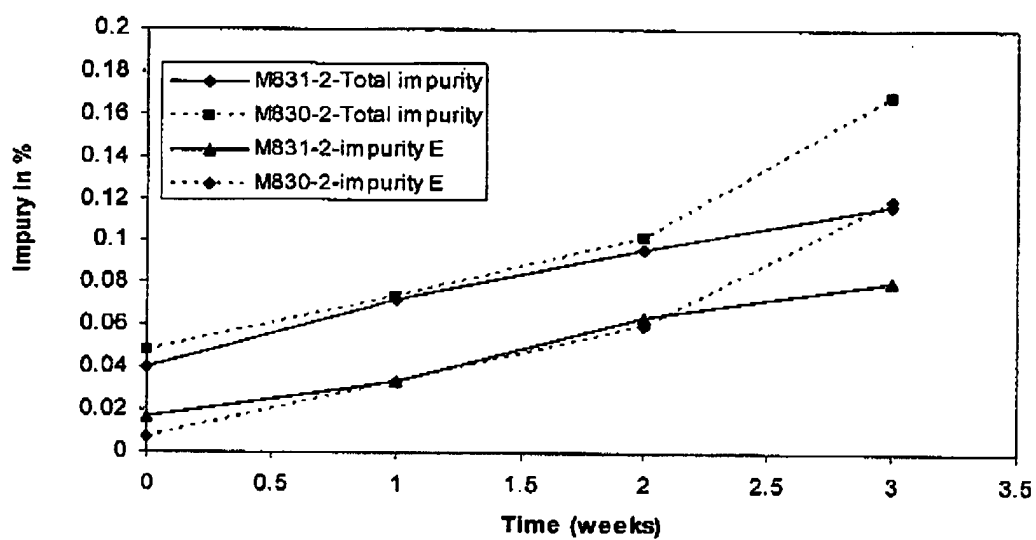
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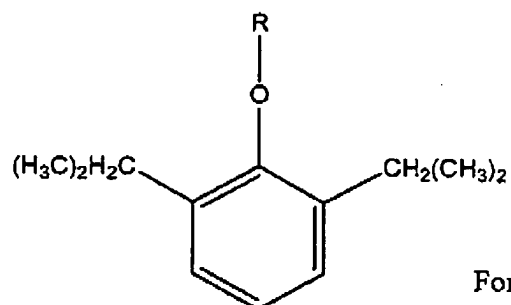
**Figure 1**

**Figure 2A****Figure 2B**

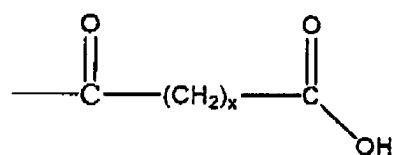
**Figure 3**

**Figure 4**

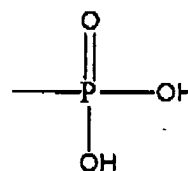




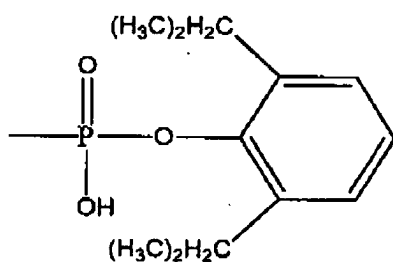
Formula (I)



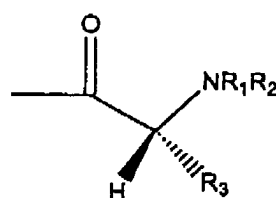
Formula (II)



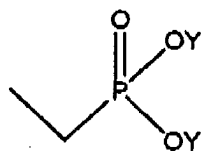
Formula (III)



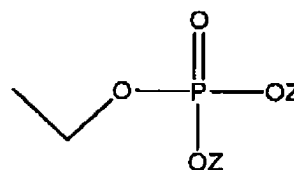
Formual (IV)



Formula (V)



Formula (VI)



Formula (VII)

**Figure 5**

EV297552000US

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	TPIP018X2
	First Inventor	Zhong Zhang
	Title	Aqueous Pharmaceutical Compositions
	Express Mail Label No.	EV 297552000 US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Mail Stop Patent Application Commissioner for Patents P.O. Box 1460 Alexandria VA 22313-1460
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1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages <u>44</u> ] <i>(preferred arrangement set forth below)</i> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>5</u> ] 5. Oath or Declaration [Total Sheets <u>2</u> ] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies
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**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))  
 10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
*(when there is an assignee)*  
 11. ☐ English Translation Document *(if applicable)*  
 12. ☐ Information Disclosure ☐ Copies of IDS  
 Statement (IDS)/PTO-1449 Citations  
 13. ☐ Preliminary Amendment  
 14. ☐ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*  
 15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*  
 16. ☐ Nonpublication Request under 35 U.S.C. 122  
 (b)(2)(B)(i). Applicant must attach form PTO/SB/35  
 or its equivalent.  
 17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 10/628,398

Prior application information: Examiner: \_\_\_\_\_ Art Unit: \_\_\_\_\_  
 For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number:	<u>34846</u>	OR <input type="checkbox"/> Correspondence address below
Name		
Address		
City		
Country	State	Zip Code
	Telephone	Fax
Name (Print/Type)	John M. Lucas, Ph.D., J.D.	
Signature	Registration No. (Attorney/Agent)	43,373
	Date	11/28/04

This collection of information is required by 37 CFR 1.93(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.  
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

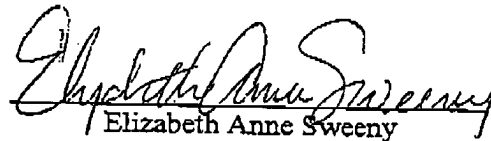
Docket No.: TPIP018X2

Title: Aqueous Pharmaceutical Compositions of 2,6-Diisopropylphenol (Propofol) and their Uses  
By: Zhong Zhang et al.  
Filed: Herewith

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this Request for filing a Utility Patent Application under 35 U.S.C. 371, and any documents referred to as attached therein, are being deposited with the United States Postal Service on this date, January 28, 2004, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10, Mailing Label Number EV297552000US, addressed to Box Patent Application, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1. Utility Patent Transmittal
2. Fee Transmittal with copy to charge deposit account
3. Power of Attorneys (3 Sheets)
4. Declaration (3 Sheets)
5. Specification (44 sheets)
6. Drawings (5 sheets)
7. Cover sheet (1 sheet)
8. Return Receipt Postcard

  
Elizabeth Anne Sweeny

Date: January 28, 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/766,631	01/28/2004	Zhong Zhang	TPIP018X2

34846  
TRANSFORM PHARMACEUTICALS, INC.  
29 HARTWELL AVENUE  
LEXINGTON, MA 02421

CONFIRMATION NO. 3752

## FORMALITIES LETTER



\*OC000000013002382\*

Date Mailed: 06/21/2004

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

A copy of this notice **MUST** be returned with the reply.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE